

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Interoperability in the 700 MHz)	WT Docket No. 12-69
Commercial Spectrum)	
)	
Interoperability of Mobile User Equipment Across)	RM-11592 (Terminated)
Paired Commercial Spectrum Blocks in the 700)	
MHz Band)	

COMMENTS OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission’s Rules, the Utilities Telecom Council (“UTC”) hereby files its comments in response to the Commission’s Notice of Proposed Rulemaking in the above-referenced matter.¹ UTC believes that the Commission should expand the scope of this proceeding to include interoperability across the entire 700 MHz band, as opposed to only the Lower 700 MHz bands. This would promote interoperability and economies of scale for users of the 700 MHz public safety broadband network (PSBN), including utilities and other critical infrastructure industries that may share access to capacity on the 700 MHz PSBN in accordance with the provisions of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act). UTC agrees with the Commission’s approach toward achieving interoperability generally through industry solutions, rather than through regulatory requirements. Sufficient market-based incentives should exist that would encourage equipment manufacturers to produce interoperable equipment, if it is technically and economically feasible to do so.

¹ *Promoting Interoperability in the 700 MHz Commercial Spectrum*, Notice of Proposed Rulemaking, WT Docket No. 12-69, 2012 WL 982738 (rel. Mar. 12, 2012)(*Notice*).

Introduction and Background

UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities and other critical infrastructure industries (CII). UTC's members include all types of utilities from large investor-owned utilities that serve millions of customers across multi-state service territories to relatively small rural cooperative utilities and municipal utilities that may only serve a few thousand customers in remote, insular and sparsely populated areas. These member companies all use communications to support their core mission of delivering essential services to the public safely, securely and efficiently.

UTC interest in this proceeding is to promote opportunities for utilities and other CII to share 700 MHz public safety broadband spectrum. By expanding interoperability beyond the Lower 700 MHz band and into the Upper 700 MHz band (including Band Classes 12, 13, 14, and 17), it will promote competition and economies of scale, which will reduce equipment costs and increase equipment availability in the 700 MHz public safety broadband spectrum. Further, it would promote the greater interoperability between users of the commercial 700 MHz networks and those using the PSBN, thereby enabling additional opportunities for roaming between the 700 MHz PSBN and commercial networks. Therefore, UTC is pleased to file these comments in support of expanding the Commission's efforts to promote interoperability across the entire 700 MHz band

I. The Commission should expand its efforts and promote interoperability across the entire 700 MHz band.

In the Notice, the Commission invites comment on whether its efforts should be "focused exclusively on interoperability in the Lower 700 MHz band, as opposed to the entire band," including the

700 MHz public safety bands.² The Commission notes that the initial Petition³ had requested an interoperability requirement that requires mobile equipment to be capable of operating on all paired commercial frequency blocks in both the Upper and Lower 700 MHz bands, but that subsequent filings by proponents had focused on requiring Band Class 12 devices in the Lower 700 MHz band.⁴ In addition, the Commission noted that there may be “unique interference environments and different technology-related issues” associated with requiring interoperability in the Upper 700 MHz band.

In response, UTC supports the need for interoperability across the entire 700 MHz band, as proposed in the initial Petition. While proponents of interoperability may have shifted their focus towards requiring interoperability only in the Lower 700 MHz band, there are still compelling reasons for promoting interoperability across the entire band. First, it should promote the interests of both Lower 700 MHz and Upper 700 MHz users, because it would create a broader base of potential users of interoperable equipment, thereby attracting investment and development of equipment in the band. Moreover, demand for interoperability across the entire band is even greater now that the Middle Class Tax Relief and Job Creation Act of 2012 has been made law, thereby paving the way for a nationwide public safety broadband network that can be shared with secondary users and which will support roaming with commercial service networks.

There is substantial support on the record in this proceeding and other related proceedings for promoting equipment interoperability across the entire 700 MHz band. As Public Knowledge explained,

The nature of any interoperability requirement for commercial users therefore has profound impact on how FirstNet and the FCC can meet the obligations of the Act. For example, it is easy to see that expanding the universe of commercial providers capable of roaming on upper 700 MHz spectrum will facilitate the negotiation of roaming agreements, enhance lease revenues, and enhance FirstNet’s capability to leverage commercial infrastructure. It will also generally lower the cost of equipment and enhance the ability to develop equipment that will “promote competition in the equipment market” and the adoption of open, non-proprietary standards.

² Notice at ¶46.

³ Petition for Rulemaking Regarding the Need for 700 MHz Mobile Equipment to be Capable of Operating on All Paired Commercial 700 MHz Frequency Blocks, RM-11592 (filed Sept. 29, 2009).

⁴ Notice at ¶46.

Similarly, the Public Safety Spectrum Trust urged the Commission to “consider facilitating the development and deployment of 700 MHz devices that can access multiple 700 MHz band classes, including Band 14 (758-768 MHz and 788-798 MHz), to the extent such devices are technically feasible and economically viable.”⁵

To the extent that there are unique interference environments and technology-related issues associated with the Upper 700 MHz Band, they should be carefully considered. But those issues should not preclude any investigation into the question of whether there should be interoperability across the entire 700 MHz band. Instead, the Commission should encourage rather than mandate the development of interoperability across the entire band to the extent that it is technically and economically feasible.

Given the significant investment that will be made in the 700 MHz PSBN and the need for public safety users to be able to roam onto commercial networks in the 700 MHz band, there appear to be sufficient market incentives to promote the development of interoperability across the entire band. Therefore, UTC supports the Commission’s approach towards an industry solution for the development of interoperability in the 700 MHz band,⁶ and suggests that the Commission continue to assess whether such development is occurring in a reasonable timeframe in the future.

⁵ Comments of the Public Safety Spectrum Trust in PS Docket No. 10-168 at 7 (filed Sept. 20, 2010).

⁶ *Notice*, at 8 (stating that “We think that an industry solution to the question of interoperability in the Lower 700 MHz band would be preferable because such a solution allows the market greater flexibility in responding to evolving consumer needs and dynamic and fast-paced technological developments.”).

Conclusion

The Commission should consider expanding its efforts and promote interoperability across the entire 700 MHz band, because it should promote economies of scale and attract investment which will in turn promote equipment development and availability. This will be critically important for the deployment of 700 MHz PSBN which will benefit from increased interoperability with commercial networks and competition among equipment providers.

Ultimately, all users of the network including utilities and other CII that share the 700 MHz PSBN will benefit through lower costs and better service in the 700 MHz band.

Respectfully submitted,

Utilities Telecom Council

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